

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
WEDNESDAY, MAY 7, 2003**

PRESENT: Walter L. Alcorn, Commissioner At-Large
John R. Byers, Mount Vernon District
Frank de la Fe, Hunter Mill District
Joan M. DuBois, Dranesville District
Suzanne F. Harsel, Braddock District
John B. Kelso, Lee District
Ronald W. Koch, Sully District
Ilryong Moon, Commissioner At-Large
Peter F. Murphy, Jr., Springfield District
Linda Q. Smyth, Providence District
Laurie Frost Wilson, Commissioner At-Large

ABSENT: Janet R. Hall, Mason District

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The meeting was called to order at 8:29 p.m. by Chairman Peter F. Murphy, Jr., in the Board Auditorium of the Fairfax County Government Center at 12000 Government Center Parkway, Fairfax, Virginia 22035.

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COMMISSION MATTERS

ZONING ORDINANCE AMENDMENT (ADU Program) (Decision Only)
(The public hearing on this item was held on April 10, 2003. A complete verbatim transcript of the decision made is in the date file.)

Commissioner Alcorn MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS ADOPT THE PROPOSED ZONING ORDINANCE AMENDMENTS REGARDING AFFORDABLE DWELLING UNITS AS SET FORTH IN THE FEBRUARY 20, 2003 MEMORANDUM FROM JANE GWINN TO THE PLANNING COMMISSION WITH AN EFFECTIVE DATE OF 12:01 A.M. ON JANUARY 31, 2004.

Commissioners Kelso and de la Fe seconded the motion which carried by a vote of 10-0-1 with Commissioner Byers abstaining; Commissioner Hall absent from the meeting.

Commissioner Alcorn MOVED THAT THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT BE DIRECTED TO DEVELOP A PRICING SCHEDULE FOR MID-RISE, MULTIPLE FAMILY DWELLING UNITS WHICH WOULD INCLUDE MORE THAN ONE TIER OF PRICING AND THAT THEY DO THIS NO LATER THAN DECEMBER 31, 2003.

Commissioners Kelso and de la Fe seconded the motion which carried by a vote of 10-0-1 with Commissioner Byers abstaining; Commissioner Hall absent from the meeting.

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S02-II-V1 - OUT-OF-TURN PLAN AMENDMENT (Decision Only)

(The public hearing on this item was held on April 10, 2003. A complete verbatim transcript of the decision made is in the date file.)

Commissioner Smyth MOVED THAT THE PLANNING COMMISSION APPROVE THE ALTERNATIVE DATED MAY 7, 2003.

Commissioner Kelso seconded the motion which carried by a vote of 10-0-1 with Commissioner Byers abstaining; Commissioner Hall absent from the meeting.

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Commissioner Kelso announced his intention to defer PCA-1998-LE-048-2 and FDPA-1998-LE-048-1-2, MPW, LLC, from its currently scheduled date of May 29, 2003 to June 12, 2003.

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RZ-2002-SU-039 - OMR, LLC

FDP-2002-SU-039 - OMR, LLC (Decisions Only)

(The public hearing on these applications was held on April 30, 2003. A complete verbatim transcript of the decision made is in the date file.)

Commissioner Koch MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF RZ-2002-SU-039, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED MAY 6, 2003.

Commissioner de la Fe seconded the motion which carried by a vote of 10-0-1 with Commissioner Byers abstaining; Commissioner Hall absent from the meeting.

Commissioner Koch MOVED THAT THE PLANNING COMMISSION APPROVE FDP-2002-SU-039.

Commissioner de la Fe seconded the motion which carried by a vote of 10-0-1 with Commissioner Byers abstaining; Commissioner Hall absent from the meeting.

Commissioner Koch MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE WAIVER OF THE OPEN SPACE REQUIREMENT.

Commissioner de la Fe seconded the motion which carried by a vote of 10-0-1 with Commissioner Byers abstaining; Commissioner Hall absent from the meeting.

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SE-2002-SP-025 - FAIR OAKS CHILD DEVELOPMENT CENTER (Decision Only)
(The public hearing on this application was held on May 1, 2003. A complete verbatim transcript of the decision made is in the date file.)

Commissioner Murphy MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT APPROVE SE-2002-SP-025, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED MAY 7, 2003, WITH CHANGES

TO DEVELOPMENT CONDITION 4 REGARDING THE ACCESS AND EGRESS TO THE SITE;

AND NEW CONDITION 18 TO READ: "PRIOR TO THE BOARD OF SUPERVISORS' PUBLIC HEARING, THE APPLICANT WILL AMEND THE SPECIAL EXCEPTION PLAT TO REFLECT THE FINAL SEPTIC FIELD DELINEATION AS APPROVED BY THE FAIRFAX COUNTY HEALTH DEPARTMENT. IF NEEDED, DEPENDING UPON THE LOCATION OF THAT FIELD, THE APPLICANT WILL PROVIDE SUPPLEMENTAL PLANTING IN THE AREAS ENCROACHING INTO THE TRANSITIONAL SCREENING YARD TO ACHIEVE THE TRANSITIONAL SCREENING TYPE I OBJECTIVES AS DETERMINED BY STAFF."

Commissioner Kelso seconded the motion which carried by a vote of 9-0-2 with Commissioners Harsel and Koch abstaining; Commissioner Hall absent from the meeting.

Commissioner Murphy MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT APPROVE THE REQUEST TO WAIVE THE BARRIER REQUIREMENT AND MODIFY THE TRANSITIONAL SCREENING REQUIREMENTS TO PERMIT THE EXISTING MATURE VEGETATION TO REMAIN.

Commissioner Kelso seconded the motion which carried by a vote of 9-0-2 with Commissioners Harsel and Koch abstaining; Commissioner Hall absent from the meeting.

Commissioner Murphy MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT APPROVE THE REQUEST FOR A SERVICE DRIVE WAIVER; THE REQUEST TO MODIFY THE PUBLIC FACILITIES MANUAL REQUIREMENTS TO PERMIT THE EXISTING ASPHALT TRAIL TO REMAIN IN LIEU OF THE CONCRETE SIDEWALK; AND THE REQUEST TO WAIVE FRONTAGE IMPROVEMENTS ALONG LEE HIGHWAY.

Commissioner Kelso seconded the motion which carried by a vote of 9-0-2 with Commissioners Harsel and Koch abstaining; Commissioner Hall absent from the meeting.

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CHESAPEAKE BAY AMENDMENTS (Decision Only)

CHAPTER 101 (SUBDIVISION ORDINANCE)

CHAPTER 104 (EROSION AND SEDIMENTATION CONTROL ORDINANCE)

CHAPTER 112 (ZONING ORDINANCE)

CHAPTER 118 (CHESAPEAKE BAY PRESERVATION ORDINANCE)

PUBLIC FACILITIES MANUAL

(The public hearing on these items was held on April 30, 2003. A complete verbatim transcript of the decision made is in the date file.)

Commissioner Alcorn MOVED THAT THE TESTIMONY AND ALL ITEMS FROM THE PUBLIC RECORD FOR THE PUBLIC HEARING HELD ON JANUARY 15, 2003 BE INCORPORATED INTO THE RECORD FOR THE PUBLIC HEARING HELD ON APRIL 30, 2003 TO CREATE A COMBINED RECORD FOR THE PROPOSED AMENDMENTS TO THE SUBDIVISION ORDINANCE, EROSION AND SEDIMENTATION CONTROL ORDINANCE, (ZONING ORDINANCE), CHESAPEAKE BAY PRESERVATION ORDINANCE AND PUBLIC FACILITIES MANUAL

Commissioner Smyth seconded the motion which carried unanimously with Commissioners Byers and Harsel not present for the vote; Commissioner Hall absent from the meeting.

Commissioner Alcorn MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS ADOPT THE PROPOSED AMENDMENTS TO THE CHESAPEAKE BAY PRESERVATION ORDINANCE CIRCULATED TO THE COMMISSION TONIGHT IDENTIFIED AS "PLANNING COMMISSION RECOMMENDATION DATED DRAFT 5/6/03" WITH THE FOLLOWING CHANGES: FIRST OF ALL, REPLACE SECTION 118 6 3 SHOWN ON SHEET 31 DATED DRAFT 5/6/03 WITH THE NEW LANGUAGE SHOWN ON SHEET 31 DATED DRAFT 5/7/03 AND ADOPTION OF THE PROPOSED AMENDMENTS TO THE SUBDIVISION ORDINANCE, EROSION AND SEDIMENTATION CONTROL ORDINANCE, (ZONING ORDINANCE,) AND PUBLIC FACILITIES MANUAL DATED 4/15/03 THAT ARE ATTACHED TO THE STAFF REPORT ADDENDUM DATED APRIL 30, 2003.

Commissioner Smyth seconded the motion which carried unanimously with Commissioners Byers and Harsel not present for the vote; Commissioner Hall absent from the meeting.

Commissioner Wilson suggested the following amendments:

ON THE REPLACED PAGE 31 DESIGNATED BY MR. ALCORN,
THAT WE ADD THE WORDS "OR CIVIC ASSOCIATIONS"
AFTER THE WORDS "HOMEOWNERS ASSOCIATIONS" IN THE

ELEVENTH LINE OF PARAGRAPH C TO 118-6-3; THAT, ON PAGE 29 OF THE PROPOSAL, WE MAKE THE DATE OF ACCEPTANCE, THAT TERMINOLOGY, CONSISTENT WITH CORRESPONDING TERMINOLOGY FOR FILINGS OF REZONING AND SPECIAL EXCEPTION APPLICATIONS.

ON PAGE 7, WITH RESPECT TO NOXIOUS WEEDS, THAT WE ADD THE LANGUAGE TO THE END OF THAT SENTENCE THAT STATES: "AND ANY OTHER SPECIES HEREINAFTER DESIGNATED BY THE STATE AS A NOXIOUS WEED."

ON PAGE 41, IN SECTION 118-7-3, THAT WE ADD A PROVISION FOR AN APPOINTMENT OF EXCEPTION REVIEW COMMITTEE MEMBERS TO TERMS OF FOUR YEARS EACH.

Commissioners Alcorn and Smyth accepted these amendments and the motion, as amended, carried unanimously with Commissioners Byers and Harsel not present for the vote; Commissioner Hall absent from the meeting.

Commissioner Alcorn MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT THE PROPOSED AMENDMENTS TO THE CHESAPEAKE BAY PRESERVATION ORDINANCE, THE SUBDIVISION ORDINANCE, THE EROSION AND SEDIMENTATION CONTROL ORDINANCE, (THE ZONING ORDINANCE) AND THE PUBLIC FACILITIES MANUAL BE EFFECTIVE 60 DAYS AFTER ADOPTION; PROVIDED HOWEVER THAT WITH RESPECT TO THE DEFINITION OF "WATER BODY WITH PERENNIAL FLOW" IN PARAGRAPH DD SHOWN ON PAGE 9, THE FIRST VERSION OF PARAGRAPH DD SHALL BE EFFECTIVE FROM THE EFFECTIVE DATE OF THE AMENDMENTS THROUGH DECEMBER 31, 2003, AND THE SECOND VERSION OF PARAGRAPH DD SHALL BE EFFECTIVE JANUARY 1, 2004.

Commissioner Smyth seconded the motion which carried unanimously with Commissioners Byers and Harsel not present for the vote; Commissioner Hall absent from the meeting.

Commissioner Alcorn MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS ADOPTION BY SEPARATE RESOLUTION OF THE VESTING POLICY FOR APPROVED AND PENDING PLANS OF DEVELOPMENT ATTACHED TO THE STAFF REPORT ADDENDUM DATED APRIL 30, 2003.

Commissioner Smyth seconded the motion which carried unanimously with Commissioners Byers and Harsel not present for the vote; Commissioner Hall absent from the meeting. Commissioner Alcorn MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS ENDORSEMENT OF THE PERENNIAL STREAM

IDENTIFICATION PROTOCOL DATED MAY 2003, ATTACHED TO THE STAFF REPORT ADDENDUM DATED APRIL 30, 2003, DEVELOPED BY THE DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES FOR IN FIELD DETERMINATIONS OF STREAM PERENNIAL AND FOR CREATION OF THE COUNTY'S CHESAPEAKE BAY PRESERVATION AREA MAPS.

Commissioner Smyth seconded the motion which carried unanimously with Commissioners Byers and Harsel not present for the vote; Commissioner Hall absent from the meeting.

Commissioner Alcorn MOVED THAT THE BOARD DIRECT THE DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES TO CREATE A UNIFIED PLACE ON THE COUNTY'S WEBSITE TO PRESENT THIS ORDINANCE, POLICIES RELATING TO THIS ORDINANCE, AND ANY ADMINISTRATIVE GUIDANCE THAT IS DEVELOPED TO ASSIST LANDOWNERS, APPLICANTS, AND OTHER STAKEHOLDERS IN THIS PROCESS.

Commissioners Kelso and Wilson seconded the motion which carried unanimously with Commissioners Byers and Harsel not present for the vote; Commissioner Hall absent from the meeting.

Commissioner Alcorn MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS, IN THE EVENT THAT THE STATE DOES NOT APPROVE THE PROTOCOL BY THE TIME OF THE EFFECTIVE DATE, EXTEND THE EFFECTIVE DATE UNTIL SUCH TIME THAT THE STATE APPROVES THE FAIRFAX COUNTY PROTOCOL.

Commissioner Wilson seconded the motion which carried unanimously with Commissioners Byers and Harsel not present for the vote; Commissioner Hall absent from the meeting.

Commissioner Wilson suggested an additional motion to include a cross reference to the vesting policy in Section 118-1-12. Commissioner Alcorn SO MOVED.

Commissioner Smyth seconded the motion which carried unanimously with Commissioners Byers and Harsel not present for the vote; Commissioner Hall absent from the meeting.

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Commissioner Smyth reminded the Commission that there would be a Policy and Procedures Committee meeting on Wednesday, May 21, 2003 at 7:00 p.m. in the Board Conference Room to discuss stormwater management issues.

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ORDER OF THE AGENDA

Secretary Harsel set the following order for the agenda:

1. SE-2002-HM-041 - GREATER ATLANTIC BANK
2. RZ-2002-MA-045 - OAK STREET BUILDERS, LLC
SEA-84-M-069 - OAK STREET BUILDERS, LLC
FS-M03-9 - OAK STREET BUILDERS, LLC
3. SEA-96-Y-011 - OGLETHORP LIMITED PARTNERSHIP
4. 2232-H03-6 - SPRINT PCS

This order was accepted without objection.

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SE-2002-HM-041 - GREATER ATLANTIC BANK - Appl. under Sect. 5-304 of the Zoning Ordinance to permit a drive in bank. Located at 10700 Parkridge Blvd. on approx. 7.64 ac. of land zoned I-3. Tax Map 18-3 ((1)) 7D and 27-1 ((1)) 10E and 13. HUNTER MILL DISTRICT. PUBLIC HEARING.

Mr. Thomas Kylo, of the The Kylo Group, architect for the applicant, reaffirmed the affidavit dated April 28, 2003. There were no disclosures by Commission members.

Ms. Tracy Swagler, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of the application.

Mr. Kylo concurred with Ms. Swagler's assessment of the application. He noted that the applicant had made presentations to, and received the support of, the Architectural Review Board and the Planning and Zoning Committee of the Reston Citizens Association. He requested that the hours of operation be extended to 12:00 Noon on Saturday and that signage be allowed on the southern elevation of the building.

In response to questions from Commissioner de la Fe, Ms. Swagler said staff had no objections to Mr. Kylo's requests.

Chairman Murphy called for speakers from the audience, but received no response. He noted that no rebuttal was necessary. There were no comments or questions from the Commission or closing staff remarks, therefore he closed the public hearing and recognized Commissioner de la Fe for action on this application. (A verbatim excerpt is in the date file.)

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Commissioner de la Fe MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SE-2002-HM-041, SUBJECT TO THE DEVELOPMENT CONDITIONS CONSISTENT WITH THOSE DATED FEBRUARY 19, 2003, AMENDED AS FOLLOWS:

IN CONDITION 4, THE SATURDAY HOURS WILL BE 7:30 A.M.
TO 12:00 NOON;

AND IN CONDITION 8, THE SECOND SENTENCE OF THE
CONDITION SHALL BE DELETED.

Commissioner Byers seconded the motion which carried unanimously with Commissioner Wilson not present for the vote; Commissioner Hall absent from the meeting.

Commissioner de la Fe MOVED THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF A MODIFICATION OF THE TRANSITIONAL SCREENING AND WAIVER OF THE BARRIER TO THE SOUTH AND EAST IN FAVOR OF EXISTING VEGETATION AS SHOWN ON THE SE PLAT.

Commissioner Byers seconded the motion which carried unanimously with Commissioner Wilson not present for the vote; Commissioner Hall absent from the meeting.

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RZ-2002-MA-045 - OAK STREET BUILDERS, LLC - Appl. to rezone from R-2 and HC to R-8 and HC to permit residential development at a density of 7.34 dwelling units per acre (du/ac). Located on the S. side of Little River Tnpk., approx. 500 ft. E. of Willow Run Dr. on approx. 3.81 ac. of land. Comp. Plan Rec: 5-8 du/ac. Tax Map 71-2 ((1)) 42 pt. (Concurrent with SEA-84-M-069.) MASON DISTRICT.

SEA-84-M-069 - OAK STREET BUILDERS, LLC - Appl. under Sects. 3-204 of the Zoning Ordinance to amend SE-84-M-069 previously approved for electric substation to permit reduction in land area and site modifications. Located at 6631 and 6637 Little River Tnpk. on approx. 7.16 ac. of land zoned R-2 and HC. Tax Map 71-2 ((1)) 42 and 43. (Concurrent with RZ-2002-MA-045.) MASON DISTRICT. JOINT PUBLIC HEARING.

Chairman Murphy noted that Commissioner Wilson would be handling this case in the absence of Commissioner Hall.

Robert Lawrence, Esquire, with Reed, Smith, reaffirmed the affidavit dated April 3, 2003. There were no disclosures by Commission members.

RZ-2002-MA-045 - OAK STREET BUILDERS, LLC
SEA-84-M-069 - OAK STREET BUILDERS, LLC
FS-M03-9 – OAK STREET BUILDERS, LLC

May 7, 2003

Ms. Tracy Swagler, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. She said that included in these applications was FS-M03-09, a review of an electrical substation in accordance with Section 15.2-2232 of the *Code of Virginia*. She noted that staff recommended approval of the applications.

Ms. Swagler responded to questions from Commissioner Harsel regarding the barrier wall and landscaping on the southern property boundary and from Commissioner Smyth regarding disclosure of private street maintenance obligations to prospective homeowners.

Mr. Lawrence explained that the southern portion of the subject property was sufficiently screened by existing vegetation. He noted that the Mason District Land Use Committee and the Pinecrest View Homeowners Association supported the proposals. He added that the applications met all Comprehensive Plan recommendations and Zoning Ordinance requirements.

In response to questions from Commissioner Wilson, Mr. Lawrence agreed to include a disclosure clause in Proffer 7 and to limit the amount of money for the Phases II and III archeological surveys in Proffer 10.

Chairman Murphy called for speakers from the audience, but received no response. He noted that no rebuttal was necessary. There were no comments or questions from the Commission or closing staff remarks, therefore he closed the public hearing and recognized Commissioner Wilson for action on these applications. (A verbatim excerpt is in the date file.)

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On behalf of Commissioner Hall, Commissioner Wilson MOVED THAT THE PLANNING COMMISSION FIND THAT THE FACILITIES PROPOSED UNDER FS-M03-9 FOR THE VIRGINIA POWER SUBSTATION SATISFY THE CRITERIA OF LOCATION, CHARACTER AND EXTENT AS SPECIFIED IN SECTION 15.2 2204 AND 15.2-2232 OF THE CODE OF VIRGINIA.

Commissioner Byers seconded the motion which carried unanimously with Commissioner Hall absent from the meeting.

Commissioner Wilson MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SEA 84-M-069, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED MAY 7, 2003.

Commissioner Byers seconded the motion which carried unanimously with Commissioner Hall absent from the meeting.

RZ-2002-MA-045 - OAK STREET BUILDERS, LLC
SEA-84-M-069 - OAK STREET BUILDERS, LLC
FS-M03-9 – OAK STREET BUILDERS, LLC

May 7, 2003

Commissioner Wilson MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF RZ-2002-MA-045, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED MAY 1, 2003, WITH THE FOLLOWING TWO CHANGES:

ADD A SENTENCE AT THE END OF PROFFER 7, TO READ:
"INITIAL PURCHASERS SHALL BE ADVISED IN WRITING OF THESE RESPONSIBILITIES PRIOR TO EXECUTION OF THE SALES CONTRACT."

THE LAST SENTENCE OF PROFFER 10 SHALL READ AS FOLLOWS: "THE APPLICANT SHALL CONDUCT PHASE II OR PHASE III SURVEYS, IF DETERMINED NECESSARY; HOWEVER, THE APPLICANT'S TOTAL COST FOR PHASE II AND PHASE III COMBINED SHALL NOT EXCEED \$10,000."

Commissioner Byers seconded the motion which carried unanimously with Commissioner Hall absent from the meeting.

Commissioner Wilson MOVED THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF A WAIVER OF THE MINIMUM DISTRICT SIZE FOR THE R-8 DISTRICT.

Commissioner Byers seconded the motion which carried unanimously with Commissioner Hall absent from the meeting.

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SEA-96-Y-011 - OGLETHORPE LIMITED PARTNERSHIP - Appl. under Sect. 5-304 of the Zoning Ordinance to permit the expansion of a previously approved wholesale trade establishment. Located at 15001 Northridge Dr. on approx. 9.47 ac. of land zoned I-3, WS and AN. Tax Map 43-2 ((2)) pt. 9B, pt. 17 and pt. 29D. SULLY DISTRICT. PUBLIC HEARING.

Robert Lawrence, Esquire, with Reed, Smith, reaffirmed the affidavit dated April 15, 2003. There were no disclosures by Commission members.

Mr. Fran Burnszynski, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of the application.

In response to a request from Commissioner Koch, Mr. Burnszynski agreed to revise Development Condition 14 to provide for dedication of the environmental quality corridor to the Park Authority. Mr. Lawrence also agreed to that revision.

Mr. Lawrence stated that the applicant's proposal to increase the size of an existing use had the support of the Westfields Business Center Owners Association and the Western Fairfax County Citizens Association. He noted that the conditions were acceptable, with the exception of Condition 8 regarding construction of a substantial off-site trail that was originally proffered by the developer of Westfields. Mr. Lawrence said that the applicant should not be burdened with the sole responsibility for the trail and that the cost should be borne by the developer of Westfields or distributed among the appropriate property owners on a pro-rata basis. He requested that the decision on this application be deferred to allow time to resolve this issue.

In response to questions from Commissioners Smyth and Koch, Mr. Lawrence reiterated that the proposed trails were not on the subject property and that the developer of Westfields should be required to fulfill its original proffer. Commissioner Koch suggested deferral of the decision until May 21, 2003.

Mr. Lawrence responded to questions from Commissioners Wilson and Murphy about the location and length of the proposed trail.

Chairman Murphy called for speakers from the audience, but received no response. He noted that no rebuttal was necessary. There were no comments or questions from the Commission or closing staff remarks, therefore he closed the public hearing and recognized Commissioner Koch for action on these applications. (A verbatim excerpt is in the date file.)

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Commissioner Koch MOVED THAT SEA-96-Y-011 BE DEFERRED FOR DECISION ONLY, WITH THE RECORD REMAINING OPEN FOR WRITTEN COMMENT, UNTIL MAY 21, 2003.

Commissioner Byers seconded the motion which carried unanimously with Commissioner Hall absent from the meeting.

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2232-H03-6 - SPRINT PCS - Appl. to construct a telecommunications facility with a 100-ft. tall monopole and equipment cabinets at Frying Pan Park, located at 2709 West Ox Rd., Herndon. The proposed monopole will consist of a single pole and internal antennas. Tax Map 25-1 ((1)) 9. HUNTER MILL DISTRICT.

Mr. David Jillson, Planning Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of the application.

In response to questions from Commissioner Byers, Mr. Jillson estimated that the existing trees in the park were 60 to 70 feet in height.

James Michal, Esquire, with Jackson & Campbell, explained that this proposed location was before the Commission due to Commissioner de la Fe's kind assistance in persuading the Park Authority to reconsider its previous objections. He added that this was an excellent site in that the monopole would be a significant distance from any residences and placed in a heavily wooded area. He estimated that some of the trees were actually closer to 90 feet in height. He displayed an aerial photograph of the site.

Mr. Michal and Commissioner de la Fe responded to questions from Commissioner Murphy regarding the appearance of the monopole.

Commissioners Murphy and Wilson commented on the pleasing appearance of a recently erected flagpole monopole located at a fire station in Springfield. Mr. Michal reported that Sprint took very seriously its commitment to provide telecommunications facilities with minimum impact on surrounding uses.

Chairman Murphy called for speakers from the audience, but received no response. He noted that no rebuttal was necessary. There were no comments or questions from the Commission or closing staff remarks, therefore he closed the public hearing and recognized Commissioner de la Fe for action on these applications. (A verbatim excerpt is in the date file.)

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Commissioner de la Fe MOVED THAT THE PLANNING COMMISSION DETERMINE, IN ACCORDANCE WITH VIRGINIA CODE 15.2-2232, AS AMENDED, THAT THE PROPOSAL BY SPRINT PCS TO CONSTRUCT A TELECOMMUNICATIONS FACILITY AT FRYING PAN PARK, LOCATED AT 2709 WEST OX ROAD, IS SUBSTANTIALLY IN ACCORD WITH PROVISIONS OF THE ADOPTED COMPREHENSIVE PLAN.

Commissioners Wilson, DuBois, and Byers seconded the motion which carried unanimously with Commissioners Alcorn, Kelso and Koch not present for the vote; Commissioner Hall absent from the meeting.

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ADJOURNMENT

May 7, 2003

The meeting was adjourned at 10:25 p.m.

Peter F. Murphy, Jr., Chairman

Suzanne F. Harsel, Secretary

Audio and video recordings of this meeting are available at the Planning Commission Office,
12000 Government Center Parkway, Suite 330, Fairfax, Virginia 22035.

Minutes by: Gloria L. Watkins

Approved on: March 31, 2005

Linda B. Rodeffer, Clerk to the
Fairfax County Planning Commission